

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

NATALIE KUNITSKIY,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 20-2421-TR
v.)	
)	
KILOLO KIJAKAZI, ¹)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

STIPULATION

IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel, and subject to the approval of the Court, that the previously filed EAJA petition is hereby resolved pursuant to the following terms.

Plaintiff shall be awarded Six Thousand, Five Hundred dollars and 00/00 cents (\$6,500.00) in attorney fees under the Equal Access to Justice Act (EAJA) (28 U.S.C. § 2412(d)) and costs in the amount of Four Hundred dollars and 00/00 cents (\$400.00) under 28 U.S.C. § 2412(a). ² Such award is made in full satisfaction of any and all claims for fees and costs made under 28 U.S.C. § 2412.

The Court shall order that the awarded attorney fees be made payable to Plaintiff, Natalie Kunitskiy, and delivered to the business address of Plaintiff's counsel, David F. Chermol, Esquire.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted for Andrew Saul as Defendant. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

² Costs are paid from the Judgment Fund by the Department of the Treasury, if so ordered by the Court under 31 U.S.C. § 1304. See 28 U.S.C. § 2412(c)(1).

After the Court approves the stipulated amount of attorney fees to Plaintiff, the Commissioner will determine whether Plaintiff has any outstanding federal debt to be offset from the attorney fees. If Plaintiff has no outstanding federal debt, the Commissioner will honor Plaintiff's assignment of attorney fees to counsel and make the check payable to Plaintiff's counsel. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the check payable to Plaintiff directly and deliver the check to the business address of Plaintiff's counsel. The amount of attorney fees payable to Plaintiff will be the balance of stipulated attorney fees remaining after subtracting the amount of Plaintiff's outstanding federal debt. If Plaintiff's outstanding federal debt exceeds the amount of attorney fees under the stipulation, the stipulated amount will be used to offset Plaintiff's federal debt and no attorney fees shall be paid.

This stipulation constitutes a compromise settlement of Plaintiff's request for attorney fees under the EAJA and costs and does not constitute an admission of liability on the part of the Commissioner under the EAJA. Payment of the aforementioned attorney fees shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to attorney fees under the EAJA in connection with this action.

This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

Respectfully submitted,

Dated: 7/28/2021

David F. Chermol
David F. Chermol, Esquire
Counsel for Plaintiff

Dated: 7/28/2021

/s/ Sandra Romagnole
Sandra Romagnole
Special Assistant United States Attorney

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Acting Commissioner of Social Security,)	
)	
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ORDER

AND NOW, this 28th day of July, 2021, upon
consideration of the afore-stated Stipulation, it is hereby,

ORDERED that Plaintiff, Natalie Kunitskiy, is awarded attorney fees under the EAJA in the amount of Six Thousand, Five Hundred dollars and 00/00 cents (\$6,500.00) and costs in the amount of Four Hundred dollars and 00/00 cents (\$400.00). These attorney fees will be paid directly to Plaintiff, Natalie Kunitskiy, and sent to the business address of Plaintiff's counsel, David F. Chermol, Esquire. Full or partial remittance of the awarded attorney fees will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government. If such a debt(s) exists, the Government will reduce the awarded attorney fees in this Order to the extent necessary to satisfy such debt(s).

BY THE COURT:

/s/ Timothy R. Rice

J.